

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
GREENVILLE DIVISION

Dashon Amin Garner,	)	
	)	
Plaintiff,	)	
	)	Civil Action No. 6:17-00267-TMC
v.	)	
	)	<b>ORDER</b>
Sgt. Greg Richardson, Major J. Johnson,	)	
And Sgt. Rascoe,	)	
	)	
Defendants.	)	

Plaintiff, a state prisoner proceeding pro se, brought this action seeking relieve pursuant to Title 42, United States Code Section 1983. In accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02, D.S.C., this matter was referred to a magistrate judge for pretrial handling. Before the court is the magistrate judge’s Report and Recommendation (“Report”), that this action be dismissed for lack of prosecution pursuant to Rule 41(b) of the Federal Rules of Civil Procedure (ECF No. 44). Plaintiff was advised of his right to file objections to the Report. (ECF No. 44 at 4). However, Plaintiff filed no objections to the Report, and the time to do so has now run.

The Report has no presumptive weight and the responsibility to make a final determination in this matter remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). In the absence of objections, this court is not required to provide an explanation for adopting the Report. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Rather, “in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

After a careful and thorough review of the record under the appropriate standards, as set forth above, the court adopts the Report (ECF No. 44), which is incorporated herein by reference. Accordingly, this case is DISMISSED for lack of prosecution pursuant to Federal Rule of Civil Procedure 41(b). Accordingly, the Defendants' Motion to Dismiss in Part (ECF No. 14) and Motion for Summary Judgment (ECF No. 32) are rendered moot.

**IT IS SO ORDERED.**

/s/Timothy M. Cain  
United States District Judge

Anderson, South Carolina  
September 26, 2017

#### NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.